



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1387 (as introduced 6-17-08)
Sponsor: Senator Gretchen Whitmer
Committee: Judiciary

Date Completed: 9-16-08

CONTENT

The bill would amend the DNA Identification Profiling System Act to require an individual, if his or her DNA sample were inadequate for purposes of analysis, to provide another DNA sample that was adequate for analysis.

Under the Act, if an individual is required by law to provide samples for DNA identification profiling and refuses to do so, or resists providing the samples, he or she is guilty of a misdemeanor punishable by imprisonment for up to one year, a maximum fine of \$1,000, or both.

MCL 28.173a

BACKGROUND

Various statutes require individuals to provide samples of blood, saliva, or tissue for DNA identification profiling. The samples collected under these statutes must be transmitted to the Department of State Police pursuant to the DNA Identification Profiling System Act.

Under the Corrections Code, a prisoner may not be released on parole, placed in a community placement facility of any kind, or discharged upon completing his or her sentence until he or she has provided samples for DNA identification profiling. The Department of Corrections must collect the samples.

The Michigan Penal Code and the juvenile code require a person to provide samples for DNA identification profiling if he or she is convicted of a felony or attempted felony, convicted a misdemeanor listed in the Codes, or found responsible for violating a specified section of the Penal Code. The specified sections prescribe penalties for first- and second-murder, attempted murder, assault with intent to commit murder, manslaughter, kidnapping, criminal sexual conduct (CSC) in the first, second, third, or fourth degree, assault with intent to commit CSC, being a disorderly person, and indecent exposure. The listed misdemeanors include accosting, enticing, or soliciting a child for immoral purposes and prostitution-related offenses. The Penal Code requires the samples to be collected by the county sheriff or investigating law enforcement agency. Under the juvenile code, the samples must be collected by the investigating law enforcement agency.

Under the Juvenile Facilities Act, a juvenile who is under the supervision of the Department of Human Services (DHS) or a county juvenile agency may not be placed in a community placement of any kind and may not be discharged from wardship until he or she has

provided samples for DNA identification profiling, if he or she has been convicted of a felony or attempted felony, convicted of a specified misdemeanor, or found responsible for violating a specified section of the Penal Code, as described above. The Youth Rehabilitation Services Act contains the same provisions concerning a public ward under a youth agency's jurisdiction. Under these statutes, the samples must be collected by the DHS, the county juvenile agency, or the youth agency, as applicable.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the refusing to provide a DNA sample or resisting providing a sample. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Bruce Baker
Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.